

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

REGINALD LEATHERWOOD,)
)
Petitioner,)
)
v.) Case Nos. **3:12-CV-218**
) **3:10-CR-7**
UNITED STATES OF AMERICA,)
)
Respondent.)

MEMORANDUM OPINION

Before the court is Reginald Leatherwood's motion to withdraw and/or dismiss his motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255 in case number 3:12-CV-218. [D. 23]. The case was recently reopened pending the resolution of one remaining claim pursuant to a motion to alter or amend the previous judgment under Federal Rule of Civil Procedure 59(e). [D. 21]. Mr. Leatherwood requests that the case be dismissed and that he not be transported for any hearings on the § 2255 motion.

Under Federal Rule of Civil Procedure 41(a)(2), "an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper." Fed. R. Civ. P. 41(a)(2).

Here, Mr. Leatherwood has articulated that he wishes to abandon his remaining claim after speaking with appointed counsel. Mr. Leatherwood has affirmed that this request is knowingly, voluntarily, and intelligently made.

Mr. Leatherwood's request is well-taken. In a contemporaneously filed judgment order, the Court will dismiss the case.

ENTER:



Linda T. Reeves
CHIEF UNITED STATES DISTRICT JUDGE